	Notice of Allowability	**Application No.** 08/605,628	**Applicant(s)** SIMONE, CHARLES B.
		Examiner Rachel L. Porter	**Art Unit** 3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *4/11/07*.

2. ☒ The allowed claim(s) is/are *1-9*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☒ to Paper No./Mail Date *1/13/94*.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with David Beck, Reg. No. 54,985 on July 20, 2007.

CLAIMS:

The application has been amended as follows (the claims changes are relative to

the amendment submitted 4/11/07):

Claims 1, 7, 8 and 9 have been amended to recite the following:

1. (Currently amended) A computer system for evaluating insurability of at least one

individual, comprising:

a display means for displaying a plurality of survey questions pertaining to said

individual's lifestyle, health, and medical tests;

entry means for inputting information into said computer system in response to said

plurality of survey questions and for causing said display unit to display said information;

a computer system database for receiving and storing said information;

means for verifying whether at least some of said information is true by comparing said information with additional information;

means for deleting, adding to, or changing said information subsequent to having received and stored said information;

means for assigning weight values in a weighting file in said computer system database, said weight values being assigned by analyzing said information;

means for assigning risk values to each of said weight values that represent levels insurance risk;

means for determining a total value based upon said assigned risk values and said assigned weight values for all of said information;

choosing means for selecting certain information and certain pre-defined suggestions on medical and lifestyle choices that would lead to improving health and decreasing risk and that have similar subject matter to said information;

evaluating means for comparing each of said total values for said information with pre-defined accepted values and for comparing said chosen pre-defined suggestions with said information, wherein pre-defined suggestions are selected that are specific and closely-tailored to said information and to the needs of said individual, including recommendations for treatment of health problems and for altering lifestyle to ensure better future health;

messaging means for providing messages that contain said pre-defined suggestions;

analyzing means for determining said level of insurance risk such that both a cot and an insurability profile are determined; and

communicating means for automatically communicating said level of insurance risk.

7.   (Currently amended)   A method of evaluating in a computer system insurability of at least one individual, comprising the steps of:

inputting information pertaining to lifestyle, health, and medical tests into said computer system;

receiving and storing said information in a database in said computer system;

deleting, adding to, or changing said information subsequent to having received and stored said information;

verifying whether at least some of said information is true by comparing said information with additional information acquired from a third party;

assigning weight values by said computer system for each of said stored information, said weight values being assigned by analyzing said information;

assigning of risk values by said computer system to each of said weight values that represent levels of insurance risk;

said computer system determining a total value based upon said assigned risk values and said assigned weight values for all of said information for such individual;

creating an insurance comparison by said computer system comparing each of said total values for said information with pre-defined accepted values stored in said database of said computer system;

choosing certain information and certain. pre-defined suggestions on medical lifestyle

choices that would lead to improving health and decreasing risk and that have similar

subject matter to said information;

comparing said chosen pre-defined suggestions with said information wherein pre-

defined suggestions are selected that are specific and closely-tailored to said information and

to the needs of said individual, including recommendations for treatment of health problems

and for altering lifestyle to ensure better future health;

providing messages from said computer system that contain said pre-defined

suggestions;

determining through said computer system said level of insurance risk such that both a

cost and an insurability profile for each of such individuals is determined; and

automatically communicating said level of insurance risk.

8. (Currently amended) The method of evaluating insurability of at least one individual in

claim 7, wherein said step of inputting information comprises the steps of:

providing said individual with a questionnaire through said computer system, said

questionnaire in the form of a plurality of survey questions; and

receiving said individuals answers from said questionnaire into said computer system.

9. (Currently amended) A computer system for evaluating insurability of at least one

individual, comprising:

a display unit for displaying a plurality of survey questions pertaining to said

individuals' lifestyle, heath, and medical tests;

an entry unit for controlling said display unit and for inputting information in response

to said plurality of survey questions displayed on said display unit;

a computer system database for receiving and storing said information;

means for deleting, adding to, or changing said information subsequent to having

received and stored said information;

a verifier for verifying whether at least some of said information is true by comparing

said information with additional information provided by a third party;

a weight analyzer for assigning weight values in a weighting file in said computer

system database, said weight values being assigned by analyzing said information;

a risk assignor for assigning risk values to each of said weight values that represent

level of insurance risk;

a summing unit for determining a total value based upon said assigned risk values and

said assigned weight values for all of said information;

a selector for selecting certain information and certain pre-defined suggestions on

medical and lifestyle choices that would lead to improving health and decreasing risk and that

have similar subject matter to said information;

a comparator for comparing each of said total values for said information with pre-

defined accepted values and for comparing said chosen pre-defined suggestions with said

information, wherein pre-defined suggestions are selected that are specific and closely-

tailored to said information and to the needs of said individual, including

recommendations for treatment of health problems and for altering lifestyle to ensure better

future health;

a messaging unit for providing messages that contain pre-defined suggestions;

a risk analyzer means for determining said level of insurance risk such that both a cost

and an insurability profile is determined; and

a communication unit for automatically communicating said level of insurance risk.

Allowable Subject Matter

2.   Claims are 1-9 allowed.

3.   The following is an examiner's statement of reasons for allowance:

Claim 1:

The closest prior art of record, Dewey discloses many features of the invention,

but does not teach or fairly suggest a method or system component for verifying

whether the health, medical and lifestyle information input, received and stored by the

system is true by comparing said information with additional information. At best, Dewey

discloses a "validation feature" which checks to make sure that the form has been filled

out. A new reference, Garrett et al (US 5325291) discloses crosses checking data among

a plurality of databases. However, there is no motivation to combine this reference with

the current combination of references.

Furthermore, Applicant's arguments, with respect to the Hammond combination have

been fully considered and are persuasive. (See Applicant's response filed 4/11/07,

pages 11-13) The Dewey reference does not teach or fairly suggest a combination

including a step or means for deleting, adding to, or changing information subsequent to

having received and stored

Claims 7 and 9 :

   The closest prior art of record, Dewey discloses many features of the invention,

but does not teach or fairly suggest a method or system component for verifying

whether the health, medical and lifestyle information input, received and stored by the

system is true by comparing said information with additional information provided by a third

party. At best, Dewey discloses a "validation feature" which checks to make sure that the

form has been filled out. A new reference, Garrett et al (US 5325291) discloses crosses

checking data among a plurality of databases. However, there is no motivation to combine

this reference with the current combination of references.

   Furthermore, Applicant's arguments, with respect to the Hammond combination

have been fully considered and are persuasive. (See Applicant's response filed

4/11/07, pages 11-13) The Dewey reference does not teach or fairly suggest a

combination including a step or means for deleting, adding to, or changing information

subsequent to having received and stored.

   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- NAGASAWA (JP 11242711 A) discloses a system that gathers verification data

  and adds it to a patient record database.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-

6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. ·

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP

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